



Lamoine Board of Selectmen

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Minutes of January 8, 2015

Chairman Gary McFarland called the meeting to order at 7:03 PM

Present were: Selectmen Bernie Johnson, Heather Fowler, Gary McFarland, S. Josephine Cooper (Selectman Nathan Mason had informed the board prior to the meeting that he was unable to attend); Administrative Assistant Stu Marckoon, Code Enforcement Officer Michael Jordan, Charles & Yvonne Brann, Peter McDevitt, Planning Board Chair John Holt, State Representative Brian Hubbell, Planning Board & School Committee member Gordon Donaldson, Kathleen Rybarz, Comprehensive Planning Committee Member Valerie Sprague, Jim Sperry, Planning Board Member Donald Bamman, and Comprehensive Planning Committee member Kathie Gaiainguest.

Agenda Review – No changes were proposed to the printed agenda.

Minutes – December 11, 2014 – Heather moved to approve the minutes as printed. Bernie 2nd. **Vote in favor was 3-0 (Cooper had not yet arrived).**

Expenditure Warrant 13 – Selectmen had signed this warrant in the amount of \$28,984.69 individually on December 17, 2014.

Expenditure Warrant 14 – Selectmen signed the warrant in the amount of \$318,949.80. Stu reported he moved \$175,000 from the investment account to cover the bills. He said a large payment to RSU 24 was included on the school's Accounts Payable warrant.

Cash & Budget Report – It was noted that excise tax collections are still ahead of projection.

Checking Account Reconciliation – Selectmen signed a statement expressing satisfaction with the checking account reconciliation documents which had been e-mailed to the Board prior to the meeting.

Stale Checks Order – Stu reported that three checks that have never been cashed dated between December 20, 2012 and January 23, 2014 were unlikely to be cashed, and cannot be applied to property taxes, because the tax bills are all paid in full. He proposed a written order to credit miscellaneous administration revenue and debit the cash account for the checks which in total added up to \$138.13. Heather asked about the state treasurer's surplus property listing. Stu said the auditor had advised that the town did not have to do that. Bernie moved to approve the order to add back the stale checks. Heather 2nd. **Vote in favor was 4-0.**

Tax Lien Foreclosure Notices – Stu reported that five properties for which tax liens were filed in July 2013 remain with lien balances. He said two of the owners have been in contact and he expects them to pay by the deadline which is January 12, 2015. He asked for permission to discharge any liens for which payment might be received before the next warrant. There was no objection.

Meeting with Forest Hill Cemetery – Stu provided a brief summary of the desire for a contract between the town and the Cemetery Corporation for maintenance of veterans' graves. Peter McDevitt of the Cemetery Corporation said he wasn't sure why the Selectmen found the counter proposal offered by the corporation unacceptable. Stu reported the proposed cost was \$40/grave, yet the verbal agreement was \$30/grave.

Gary said the Marlboro Cemetery Corporation intends to agree to such a contract once it is up and running again. Bernie asked how many veterans' graves are located at Forest Hill Cemetery. Linwood Brann said 79. Stu said that would generate \$2,370 for the cemetery corporation under the proposal offered by the town. He said the town has been billed for \$840 for some of the veterans' graves. He said the contract proposed by the town would cover all veterans' graves. Mr. McDevitt said their auditor figured the per hour mowing cost and it came out to costing \$40/grave. Stu said that appeared to be based on a twice a month mowing schedule. He said the town is only asking that veterans' graves be mowed one time a month. He said if the Cemetery Corporation wishes to mow more than that, it is their option. There was a lengthy discussion about the income benefit to the Cemetery Corporation and the state mandate to maintain the graves. Mr. McDevitt said there would have to be another board meeting to decide. Gary asked him to let the Selectmen know what is decided.

Gravel Ordinance Draft Process – Gary said the Board of Selectmen is at draft #4 thus far, and he's not sure where the process sits between the Planning Board and Selectmen. Planning Board chair John Holt said his board has not been reviewing the drafts as a board, and the drafts have not been an agenda item, but the Planning Board is aware of the drafts. He said the Planning Board has identified the process areas they wish to look at. He said there are differences, except for the application areas. He said the other areas identified by the Selectmen and the Gravel Task Force would take some time to develop.

Planning Board member Gordon Donaldson said the application work is pretty much in consensus among Planning Board members. Planning Board member Donald Bamman said it would be helpful to go just one section at a time.

Gary said the Selectmen are interested in moving along with something to go before town meeting. A brief discussion followed. Stu said the two boards working on competing measures doesn't seem to be working. Heather said the previous Selectmen's meeting discussed getting together with the Planning Board to talk about goals.

Rev. Holt said it is a long way from the outcome of getting something to put before the town. He said there are likely some things from the Selectmen the Planning Board would like to remove and start over again. He said he's doubtful that a shared document is close. He said maybe the Selectmen should go ahead on their own. Heather said work has been going on for several months, and the Selectmen are sensitive to both sides of the issue.

Rev. Holt said this is the first time the Planning Board has been invited to join in the ordinance development process the Selectmen have undertaken. Jo said it was not the intention of the Selectmen to exclude the Planning Board. She said the task force was conscientious in its work, and the Selectmen have attempted to take the suggestions point by point. She said the intention was to include the Planning Board in the effort, but trying to get the two boards together has been difficult. She suggested a series of workshops might work. She said a workshop setting could lead to a more open discussion. She said if the Planning Board can't support an ordinance change, so be it, but the ordinance is not that complex.

Mr. Bamman said the Planning Board has a priority on ordinance development, but issuing permits has kept the board busy. He said he agreed that workshops outside of regular meetings are needed.

Bernie asked if the Planning Board has seen the drafts from the Selectmen. Mr. Bamman said they had, and there are places where he agrees and some places that he does not. Dr. Donaldson said if the Selectmen are looking for a consensus from the Planning Board, they're not going to get it. He suggested that maybe some members from each board could get together to discuss matters. After a brief discussion, Dr. Donaldson said the application process is getting close, and an open discussion might be helpful.

Bernie said written comments are helpful too. Mr. Bamman asked about a timeline. Gary said they'd like to get something to a town meeting. Stu said it's not going to happen in time for the March meeting. Dr. Donaldson suggested having each member of the Planning Board and the Selectmen review the drafts from the other board and bring them to discussion. He said the members would speak as individuals and not as a board. Jo said that approach would work best with written comments. She said those comments could be reviewed at a joint meeting. Bernie suggested that CEO Michael Jordan also review and make comments.

Stu asked how that would be coordinated. Jo said the written comments should be back by a certain date, and then the Selectmen could pick areas to discuss at a joint meeting. She suggested picking a workshop date. Dr. Donaldson said most everyone has read the drafts and couple likely get back in a couple of weeks. Jo said the contention could go on forever, but she would rather build a consensus on what to send to the town.

The two boards agreed to funnel comments through the Administrative Assistant's Office. Stu said he would send the latest drafts to both boards by e-mail the next day and ask for individual comments by the January 22, 2015 Selectmen's meeting. The two boards set February 11, 2015 at 6:30 PM for a joint workshop to be held at the school.

Meeting re: Notice of Violation, Asa's Lane – Gary said the Board has received a letter tonight from the Department of Environmental Protection regarding Rusty Boynton's operation off Asa's Lane. He said both Code Enforcement Officer Mike Jordan and the DEP visited the lot, and the DEP appears to have no problem with the

operation. He said it appears that Mr. Boynton would like some sort of formal permission to keep running his metal recycling business.

CEO Jordan said this is one of the most complicated things he's run across. He said the term junkyard is loosely defined, both in local ordinance and state law. He said the state mainly worries about discarded automobiles. He said the DEP representative told him the operation is fairly small and is neat. He said it's a metal recycling center and that Mr. Boynton stores metal items there until he takes them to Bangor to sell. He said the price for scrap metal fell, so items accumulated to something that seemed large locally, but to the DEP is small. He said Mr. Boynton has been doing this for 30-years and if it's clarified as a recycling business, it's no different than a business that was in place prior to the Building and Land Use Ordinance adoption that outlined the various zones.

Bernie asked if the town has mistaken this as a junkyard. Mr. Jordan said it technically is a junkyard. Jim Sperry, who acts as an agent for Mr. Boynton, said when they met with the DEP, they were told that collections of piles of scrap metal falls into the category of junkyard. Jo noted this issue got set in motion because of a complaint, and this is the town's response to the complaint. She said if it is concluded that a permit is not necessary, that would be good for Mr. Boynton. Mr. Jordan said he would like to see a junkyard permit so that the town could inspect the operation annually. Jo asked Mr. Sperry if Mr. Boynton is interested in a permit. Mr. Sperry said if one is needed, he would get it done. He said everyone in town knows that Mr. Boynton does this and he runs a spotless operation that is strictly recycling. He said it would be preferred to obtain a permit to recycle which would be a one-time deal and then it is done.

Stu asked if this is a transfer station type of operation. Mr. Sperry said it is not. He said Mr. Boynton picks up the material and the lot is gated so that the general public cannot have access. Stu said a permit would likely have to go through the Planning Board. Bernie asked if there was some process to say the Selectmen reviewed this matter and there is no further concern. Mr. Sperry asked if the citation could be voided. Stu suggested perhaps reaching a consent agreement. Mr. Sperry said that would be OK if it's OK with the Selectmen. There was no objection from the Selectmen. Mr. Jordan said one of the items should be regular material removal from the lot. Stu said he would try to have a draft ready for the next meeting.

Returnables – Jo moved to assign the proceeds from the returnable containers at the transfer station to the following applicants:

Organization	Month
Lamoine 8 th grade	April 2015
Lamoine School Sports Program	May 2015
Lamoine Music Program	June 2015
Frenchman Bay Riders Snowmobile Club	July 2015

Bernie 2nd. **Vote in favor was 4-0.**

Recreation Committee – Jo moved to appoint Elie Khoury to the committee for the term that expires June 30, 2015. Heather 2nd. **Vote in favor was 4-0.** Stu reported he hoped to have the organizational meeting on Saturday, January 17, 2015 at 9am.

Pole Permits – Jo moved to approve pole permit applications on Walker Road for both Emera, Maine and Fairpoint Communications. Bernie 2nd. **Vote in favor was 4-0.** Selectmen signed the permit applications.

Map 7 Lot 14 – Mike Jordan reported that he spoke with site evaluator Bill Labelle who has been on parts of the lot which is located across the street from the town hall. He said that Mr. Labelle has not come up with a soil test, but there may be potential sites in the field. He said if the town is considering a possible purchase, it might be advisable to get a soils guy in there now. He said a municipal building requires a septic system to handle 4-gallons per person of capacity per day. He said if a system could only handle 50-people, it might change the idea of what the land is worth. He suggested the Selectmen hire a soil scientist – the \$500 it might cost would be worth it.

Stu reported that he spoke with the realtor and expressed possible interest in the land. He said they would entertain offers, with a contingency that if another offer was made prior to final town approval, the town's offer could be rejected. He suggested an article for the annual town meeting to ask voters whether they wish to explore and has drafted such an article. Selectmen had no objection to the town meeting question.

Lamoine Quarterly – Stu asked the Selectmen to review the January edition and get changes to him overnight if possible.

Town Meeting Draft Warrant – Stu said he had drafted a warrant and reviewed some of the changes in article wording. Selectmen said they would study the draft.

Stu reported Harvey Kelley has agreed once again to moderate.

Budget – The Budget Committee meets on January 12, 2015 at 6:30 PM. Selectmen discussed encouraging attendance.

Gravel Permit Consent Agreements – Stu reported that the Planning Board has found three of the four pits currently under a consent agreement to be in compliance with the ordinance. Gary said he would like to authorize Stu to contact the representative for those pit owners to see what the next step might be. There was no objection.

Mr. Jordan explained that one well on the MacQuinn/Miro pit had come up dry. Bernie said that means that were are down to just one non-complaint well. He said it's been a bit of a journey, but we're getting there.

Half Marathon – Stu reported that a group wishes to hold a half-marathon run in Lamoine on March 7, 2015 beginning and ending at Lamoine Beach. He said he's sent that to the Parks Commission for approval. There was a brief discussion about traffic.

Next Meetings – The next meetings are scheduled for January 22, 2015, February 12, and 26, 2016, Open town meeting on March 11, 2015, and meetings on March 12 (organizational), and March 26, 2015.

Bernie said he is unable to attend the January 22, 2015 meeting.

Executive Session – Gary moved to enter executive session pursuant to 1MRSA §405(6)(a) for the purposes of a contract negotiation with the Administrative Assistant. Jo 2nd. **Vote in favor was 4-0 at 8:38 PM. Out at 8:58 PM**

There being no further business, the meeting adjourned at 8:58 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen